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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,362	10/28/2003	David Bisson	200210U	5970

7590 09/29/2005

Kathleen K. Bowen Co. LPA  
311 Hillbrook Dr  
Cuyahoga Falls, OH 44223

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/695,362

Applicant(s)

BISSON ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 13-22, 26, 31, 32 and 34 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 5, 6, 8-15, 17-30 and 33 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group 3, drawn to figure 5 in the reply filed on May 20, 2005 is acknowledged. The applicant's argument regarding figure 3 being generic to all the embodiment is persuasive, therefore the examiner agrees that all of the claims are readable on figure 5.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 13-22, 26, 31, 23, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roesser, U. S. Patent 5,649,378 in view of Haper, U. S. Patent 4,587,753.

3. With respect to claim 1, Roesser teaches an illuminated identification system comprising a light chamber9, a number display panel 1; a lighting means 13, wherein said lighting means 13 is in series with a power source 42, and wherein said lighting means 13 is in said light chamber 9,

identification numbers 3. Roesser also teaches a flashing means 43 in series with the power source 42, a first switch 41 in series with flashing means 43, such that when the first switch 41 is open power flows from the power source 42 to the lighting means 13, and does not flow through the flashing means. When the first switch 41 is closed, power flows from the power source 41 through the flashing means 43 to the lighting means 13 causing the lighting means 13 to flash on and off. Roesser also teaches a second switch 49, wherein the second switch is in series with the power source, such that when the second switch is open, power does not flow to the lighting means, and when the second switch is closed, power flows to the lighting means. Roesser does not teach the illuminated identification system comprising a sealed light chamber, wherein the lighting means is in the chamber.

4. Harper teaches a house signaling device comprising a housing or chamber 10, lighting means 11 within the housing, a stenciled display panel 23 having light emitting characters 21.

5. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the illuminated sign taught by

Roesser with an enclosed housing as taught by Harper to provide a means to protect the electrical components of the device.

6. With respect to claims 2, 15, 16 Roesser teaches the second switch comprises a photocell, which is open when it is daylight, and is closed when ambient light reaches a predetermined level.

7. With respect to claims 3 and 17, Roesser teaches a remote control receiver 47 in series with the power source and remote control 45, wherein the remote control receiver controls the first switch and the remote control controls the remote control receiver.

8. With respect to claims 4 and 18, Roesser teaches the remote control receiver 47 is remotely located from the light chamber

9. With respect to claims 7 and 26, Roesser teaches the power source is a low voltage VAC power source. See column 4, lines 31-33.

10. With respect to claims 13, 21, and 22, Roesser teaches the illuminated identification system is installed on a mailbox assembly. See figure 4.

11. With respect to claims 19, 20, 31 and 32, Roesser teaches the power source can be solar cells or rechargeable batteries. See column 4, lines 33-35.

***Allowable Subject Matter***

12. Claims 5, 6, 8-12, 23-25, 27-20, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U. S. Patents are cited to show illuminated signs 6,060,838; 6,017,131; 4,611,265; and 4,901,461.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
August 8, 2005